REMARKS

Claims 1-17 continue to be the pending claims in the application. Reconsideration of the application in light of the remarks which follow is respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahluwalia (U.S. Patent No. 5,965,257) in view of Farrar (U.S. Patent No. 5,338,349) and Langer (U.S. Patent No. 4,600,634). The Examiner contends that Ahluwalia discloses a planar structural article which comprises an ionically charged substrate with a similarly charged coating, a filler material and a binder material. According to the Examiner, the structural material may be coated on one or both sides. The Examiner alleges that the binder comprises an acrylic latex, Hycar 2679, which is a polymer emulsion that contains surfactants. The Examiner further alleges that because a surfactant is present in Ahluwalia's composition, surfactant-generated microcells would also be present. The Examiner also contends that Farrar contains a gelling agent, which the Examiner equates with a gel catalyst of the present claims. The Examiner further contends that Farrar discloses a fire resistant composition comprising a binder and a gelling agent and that Langer teaches a flexible fibrous endothermic sheet as well as a metallic backing, comprising an aluminum foil. The Examiner therefore concludes that the combination of Ahluwalia, Farrar, and Langer renders the claims 1-17 obvious. This rejection is respectfully traversed.

The Claimed Invention

Claim 1 relates to a composite material comprising a first layer which comprises a surfactant component, surfactant-generated microcells, a gel catalyst component and a binder component and a second layer comprising a metallic component adhered to the

first layer. Claim 2 covers a composite material comprising a substrate, a first layer adhered to the substrate to provide a coated substrate, and a second layer, adhered to the coated substrate wherein the first layer comprises a surfactant component, surfactant-generated microcells, a gel catalyst component and a binder component, and wherein the second layer comprises a metallic component. Claims 3-17 are dependent on claim 2 or claims 1 or 2 or claims dependent thereon.

The Prior Art

Ahluwalia discloses a structural article comprising a substrate having an ionic charge coated with a coating having essentially the same ionic charge wherein the coating consists essentially of a filler material and a binder material and wherein the binder material bonds the filler material together and to the substrate and wherein the coating does not bleed through the substrate. By coating the substrate with a coating having essentially the same ionic charge, a zero bleed through product may be produced without a need for a blowing step. *See* Ahluwalia col. 2, lines 3-6. The filler material taught by Ahluwalia is selected from the group consisting of fly ash, calcium carbonate, ceramic microspheres and mixtures thereof. *See* Ahluwalia col. 2, lines 25-27. The binder comprises an acrylic latex, specifically Hycar 2679. *See* Ahluwalia col. 3, lines 5-9. Hycar 2679 polymer emulsion contains synthetic soap, sometimes known as surfactants. *See* Ahluwalia col. 7, lines 16-19. Ahluwalia also teaches the use of a defoaming agent. *See* Ahluwalia col. 2, Table I.
Langer teaches a non-intumescent, non-char forming, endothermic, essentially inorganic, flexible, fire-protective sheet material. The composition of the flexible sheet comprises an inorganic fiber, an organic polymer binder, and an inorganic endothermic filler wherein the weight ratio of organic to inorganic constituents is less than about 0.10 and wherein the weight ratio of the inorganic endothermic filler to the inorganic fiber is in the range of about

0.5 to 50. A backing, such as aluminum foil, may be added to the sheet material to provide strength. *See* Langer col. 4, lines 8-15.

Farrar discloses a fire resistant and high temperature insulating composition. A composition is provided which generally comprises a mixture of a carbonate material, an aluminosilicate substance, talc, cellulose, a binder, and a gelling agent. Farrar, col. 3, lines 43-46. Farrar teaches that any known organic gelling agent that swells in the presence of a liquid can be used in the composition. Farrar further teaches that the selected gelling agent should be capable of absorbing water and expanding in size to provide a degree of elasticity to the moist composition. *See* Farrar, col. 5, lines 24-29.

Ahluwalia Is Not Prior Art Under 35 U.S.C. 103(a)

While Applicants do not believe that the claims in the present application are suggested by Ahluwalia in view of Farrar and Langer and have thus responded previously, Applicants further wish to point out that Ahluwalia is not prior art to the present invention. To demonstrate this, Applicants submit herewith Mr. Ahluwalia's Declaration under 37 C.F.R. §1.132. In his declaration, Mr. Ahluwalia states that the above-referenced application discloses and claims products that include a composite material comprising a surfactant/surfactant generated microcells/gel catalyst/binder "first layer" and a metallic "second layer" adhered thereto. Mr. Ahluwalia further states that the above-referenced application discloses and claims products that further include a substrate adhered to the "first layer" forming a "coated substrate". He notes that he is a co-inventor of the subject matter of this application, having invented the surfactant/surfactant generated microcells/gel catalyst/binder "first layer" and the coated substrate which are described on pages 6 et seq of this application.

Mr. Ahluwalia further states that he is the sole inventor of the subject of United States Patent No. 5,965,257 ("the '257 patent") on which the outstanding rejection is based.

Mr. Ahluwalia's filler/binder coated substrate, which is the basis for the Ahluwalia rejection in the Office Action, is described in detail on pages 3 et seq. of U.S. Provisional Application No. 60/168,057 filed November 30, 1999, also in detail on pages 5 et. seq of U.S. Patent Application No. 09/663,255 (now U.S. Patent No. 6,586,353), which claims priority to that Provisional Application, and also in detail at column 3 et seq. of U.S. Application Serial No. 09/955,395 (now U.S. Patent No. 6,858,550), which claims priority to the '353 patent as a continuation-in-part application. Indeed, the '257 patent, which issued on October 12 ,1999, was incorporated by reference in the Provisional Application as well as both patents, copies of which are submitted herewith. The present application claims priority to all these applications and thus benefits from the November 30, 1999 filing date under 35 U.S.C. §§ 119(e) and 120 because the present application was copending with Application No. 09/955,395 (now U.S. Patent No. 6,858,550), which claims priority to Application No. 09/663,255 (now U.S. Patent No. 6,586,535), which claims priority to Provisional Application No. 60/168,057.

The '257 patent is not prior art under 35 U.S.C. 103(a), because the subject matter therein which is the basis for the rejection is not the invention of "another" (Mr. Ahluwalia invented it, as he did the "first layer" and the coated substrate in the present invention), and the '257 patent did not issue more than one year prior to the earliest effective filing date of the present invention. With Ahluwalia removed as a reference, there is no basis for rejecting the instant claims in view of Farrar and Langer.

Conclusion

In view of the foregoing remarks and the Declaration of Younger Ahluwalia submitted herewith, Applicants submit that the present invention is now in condition for allowance. Accordingly, favorable reconsideration of the application is earnestly solicited. Please send any further correspondence relating to this application to the undersigned attorney at the address below.

Applicants believe no fee is due in connection with this communication. However, should any fee be due in connection with this communication, the Commissioner is authorized to charge any such fee to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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Enclosures

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